

**INLAND WETLANDS & WATERCOURSES AGENCY
REGULAR MEETING
MONDAY, MAY 5, 2014 – 7:30 P.M.
WOODSTOCK TOWN HALL – LOWER LEVEL, ROOM B**

MINUTES

Present: Chair Mark Parker, Marla Butts, Dan French, Diane Wolff, Tina Lajoie (Wetlands Clerk), Terry Bellman, (Wetlands Agent), Richard Lafleche, Bruce Fink, Chester & Karen Cyganiewicz, William & Katie Ziarko, and others.

Call to Order – Meeting was called to order by Chair Mark Parker at 7:45 p.m.

I. Roll Call – Diane Wolff, Mark Parker, Marla Butts, Dan French. **Absent:** Andrew Massey

II. Appointment of Alternates – None

III. Action on Minutes of Previous Meetings – April 7, 2014
MOTION BY MARLA BUTTS TO APPROVE THE MINUTES OF 04-07-2014, SECONDED BY DAN FRENCH. MOTION CARRIED UNANIMOUSLY.

IV. Old Business – None

V. New Business

a. Notice of Violation – 26 Cady Lane, Woodstock (William & Katie Ziark).

As stated by the Wetlands Agent, after complaints regarding a possible wetlands violation were received, a letter dated April 9th was sent out asking the property owner to stop by the office to discuss the plan before doing anything further. Mr. Ziarko did come in as requested and the information reviewed did not indicate that the area of disturbance was in fact wetlands, and the property owner was given the okay to continue clearing in this area by Mr. Bellman, without equipment. Shortly thereafter, a new complaint was submitted that work was being done in the wetlands with a backhoe and an inspection was completed by the Wetlands Agent. A plan and report from a certified soil scientist revealing the delineated wetlands was discovered on or about April 17 which clearly showed the disturbance being in a regulated area. Based on this new information, a Notice of Violation was hand-delivered on April 17th to the Ziarko's by Terry Bellman and Tina Lajoie and they were directed to cease all activity and attend the next regularly scheduled meeting of the IWWA to discuss the unauthorized activity. The Ziarko's responded to the Notice of Violation on April 29th with a packet that included maps, realtor information, photos and a narrative explaining their intentions, sequence of events and detailed exhibit list. Each Commissioner was provided with a copy to review.

The property owner wishes to have a garden and a play area for the children. It is recommended by Ms. Butts, after a drive by review of the area, to consider the rear of the property since that area would seem to have better soil for a garden and lacked the more wetland type of soil that was observed in the side yard where the skunk cabbage was growing. Chet Cyganiewicz (father) gives an overview of the work he would like to do. He states that he is not filling in wetlands, but only scraping to level off to create a garden and lawn area. He states that the grade would not be changing. Along the road, he is proposing to cut the slope off down the property line. This may be granted under Section 4, Permitted Uses as of Right & Non-regulated Uses of the Town of Woodstock Inland Wetlands & Watercourses Regulations.

After careful discussion and consideration IWWA responds with the following:

- Applicant must complete the proper form to be submitted prior to the next meeting for consideration, “Request for a determination that a proposal is a permitted use as of right and/or non-regulated use”.
- No further digging in the area or moving any soil until their review is complete. (Okay to continue removing brush or work that does not involve disturbing soil).
- Applicant must provide the measurements from the house to the edge of the garden area and the exact size being proposed.

b. Application for use of pesticides in state waters – Muddy Pond

Application pinpoints waterlilies which lie on the north/northeast side of the pond, according to Chair Parker. Application states it’s a 38 acre water body but only 4 acres will be treated but no diagram as to exact location was provided. A letter was sent in the past to DEEP by the Wetlands Agent asking for these applications to provide the complete information as to location and no response was ever received. It was asked that a new letter be sent out to request additional information on exact location of treatment and why there are three dates for treatment when the application only indicates there being two treatments and to also identify the species. A history of previous applications was reviewed. Excel spreadsheet to be updated. There was no application for any pesticides in 2013.

c. Timber Harvest – Use Permitted as of Right determination – Map 5709, Block 02, Lot 69B

Tina Lajoie explains that she received a phone call from an abutting property owner of Mr. Bruce Fink regarding what appeared to be a timber harvest being done and his concern that there may be damage to the wetlands area. After identifying the lot of disturbance, Ms. Lajoie contacted the property owner and was told that Richard Lafleche was hired to cut the wood and clear out the area along with grading on Pole Bridge Road and some seeding on the property. He assured me that the work was not being done in the wetlands and was over 100 feet from this area near the stream. The proper procedure was explained to both the applicant and property owner. They were asked to submit the timber harvest form and attend the next regularly scheduled meeting to discuss the details and get the Agency’s approval and recommendations, if any. Both Mr. Fink and Mr. Lafleche are present to answer questions. A review of the map was done, along with questions that were asked and answered for clarification and understanding.

MOTION BY MARLA BUTTS TO APPROVE THE REQUEST FOR TIMBER HARVEST, USE PERMITTED AS OF RIGHT ON PROPERTY OF BRUCE FINK (MAP 5709, BLOCK 02, LOT 69B) FOR SHELTER WOOD CUT THAT IS ALMOST COMPLETE, AS SHOWN ON HIS REQUEST DATE 05-05-14, SECONDED BY DIANE WOLFF. It is noted for the record, that Ms. Lajoie will notify the complainant of said decision. MOTION CARRIED UNANIMOUSLY.

VI. Wetlands Agent Activity Report

a. Terry Bellman states that besides the current activity that was already discussed on Cady Lane, he noted that he took Tina Lajoie out to the property on the second trip to continue her wetlands agent training in how to handle enforcement issues. He stated the owners were very cooperative and that he told the property owner to not dig out any stumps, as originally planned, and to grind them down to minimize disturbance. IWWA pointed out that they gave the ok for property owner to take the brush out as long as he doesn’t move or strip the soil. He can remove the wood.

b. A second wetlands complaint was received by Terry Bellman from a resident who is on the Conservation Commission regarding Tayler Road drainage issue. He explains that the highway crew

had graded the road and made a channel drain and all the drainage coming down the road was going into a vernal pool. Her concern was that this drainage will ultimately destroy the vernal pool. Terry spoke with John Navarro and a highway crew went out and staked some hay bales to keep the sediment from draining in there. Photographs were shown. Before they graded the area, there was a natural drainage going in that direction but when they graded the road and made the swale, the velocity increased that the sediment got very close to the vernal pool. Terry states it's a large vernal pool, about 30' to 40' across, and it looks like a pond at some times of the year.

Marla Butts comments on the photograph and states that the hay bale on the end has to be higher than the center of this otherwise it will not function at all. The second thing is it wasn't towed in and unless it is on flat ground, it will wash out. The joint needs to be sealed up well and normally a trench is dug or you cove the back side in much better. Additional hay bales should have been placed on the sides so that the bottom is higher than the top. A stone check dam would have been a better solution according to Ms. Butts, for this long term erosion problem. Terry explained that silt fence was John's first choice but as a quick fix, he had the hay bales and temporarily placed them there until he could address this problem with a permanent solution. Ms. Butts asks about what the contributing drainage area is and it is estimated as at least the size of a football field, if not more, and therefore the hay bales would not be adequate since they are only good for three months. In the long run, a stone check dam would be a much better solution, no engineer design required, and that will be the recommendation.

c. Chair Mark Parker brings up a complaint he received regarding a new house or barn being built on Phelps Road. He was told that a lot of fill was brought in and was coming down toward the wetland. He advised the neighbor that this should be brought to the attention of the Wetlands Agent. Terry explains that this new house is on a lot in an approved subdivision. There will be follow-up for next meeting.

d. Chair Mark Parker would like follow-up on additional activity in East Woodstock where the ridge and Muddy Brook comes underneath where the old dam used to be, a stone wall is being built and he appears to be filling it up with soil. Unsure if this is going to be landscaped or a garden. It drops down to the brook. It looks to be a 4 to 5 foot high containment wall to hold the fill that he is putting in. If it's a retaining wall over three feet high, then it would be regulated by the building code. Terry will check on this.

e. Other Administrative business

i. Communications

- **Letter dated 04-10-14 from DOT re: Taylor Brook Winery**
No action required. Update on project was given by Terry.
- **Spring 2014 CACIWC – The Habitat**
- **Training program voucher for Wetlands Training is available**
Diane & Marla would like to be signed up for May 30th class in Vernon
- Terry still needs to review the state model IWWA regulations to check on updates for town regulations.
- Marla would like to set a training session, as recommended to PZC by Andrew Massey in his letter regarding Bradford Corner, with Michael Dietz of NEMO who offered to come to Woodstock and discuss stormwater BMP's. IWWA could set this training up and invite other town employees and boards and commissions.
- Last Green Valley is holding a meeting on May 13 at 9:00 a.m. at their conference room in Danielson. There will be a PhD candidate from the Yale School of Forestry and

Environmental Studies giving a presentation on the study that was done on lakes in CT, Black Pond, Roseland Lake and Alexander Lake in Killingly. She will be discussing how the heavy metal contamination affected the ecologic community over time.

VII. Citizen's comments / other topics

Ms. Butts would like to send out a letter to Berkshire Hathaway about coming to IWWA's attention that the couple on 26 Cady Lane claimed they were not given the correct information by their realtor (Stephanie Gosselin) on there being wetlands on this property and there being some confusion as to what is known as FEMA flood plain and wetland soils that should be clarified for all agents to avoid misunderstandings. Understanding a realtor is not an expert on wetland soils and only a soil scientist would be qualified to flag and delineate wetland soils, realtors should have a basic understanding on how this might be evaluated when they are selling a property. It is noted that a flood plain may not necessarily be a wetland area. A letter defining these terms for educational purposes for realtors will be drafted by Marla Butts for clarification.

VIII. Adjournment

**MOTION TO ADJOURN BY DIANE WOLFF, SECONDED BY DAN FRENCH AT 9:24 P.M.
MOTION CARRIED UNANIMOUSLY.**

Respectfully submitted,

Tina M. Lajoie, Clerk

Inland Wetlands & Watercourses Agency